

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 18

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UNITED STATES PATENT AND TRADEMARK OFFICE

APR 29 2004

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANTONIOUS H. M. HOLTSLAG

Appeal No. 2002-2335
Application No. 09/268,254

ON BRIEF

Before THOMAS, HAIRSTON, and RUGGIERO, Administrative Patent
Judges.

RUGGIERO, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal from the final rejection of claim 1-5, which are all of the claims pending in the present application.

The disclosed invention relates to the display of a progressive video signal on a plasma display panel in which the progressive video signal is alternately displayed on the odd display lines only or on the even display lines only. In both

instances, the display operation is performed during respective periods which are larger than the video field period. According to Appellant (specification, page 4), the above described technique will, in contrast to the conventional approach in which a progressive video signal is applied to the odd display lines only, result in the even aging of the phosphors of the odd and even display lines of the plasma display panel.

Claim 1 is illustrative of the invention and reads as follows

1. A method of displaying a video signal with video lines in a video field period on a plasma display panel having a first and a second display field of display lines, the display lines of the first display field being in an interlaced position with respect to the display lines of the second display field, the method comprising the steps:

alternately selecting several times the first display field only, or the second display field only, both during respective time periods which are longer than the video field period; and

supplying video data signals in conformance with the video lines to the display lines of the selected display field.

The Examiner relies on the following prior art:

Lipton 4,562,463 Dec. 31, 1985

Claims 1-5 stand finally rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipton.

Rather than reiterate the arguments of Appellant and the Examiner, reference is made to the final Office action (Paper No.

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9), the Brief (Paper No. 15), and the Answer (Paper No. 16) for the respective details.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the Examiner, the arguments in support of the rejection, and the evidence of obviousness relied upon by the Examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, Appellant's arguments set forth in the Brief along with the Examiner's rationale in support of the rejection and arguments in rebuttal set forth in the Examiner's Answer.

It is our view, after consideration of the record before us, that the evidence relied upon and the level of skill in the particular art would have suggested to one of ordinary skill in the art the obviousness of the invention as set forth in claims 1-5. Accordingly, we affirm.

Appellant indicates (Brief, page 5) that the claims on appeal stand or fall together as a group. Consistent with this indication, Appellant's arguments are directed solely to features which are set forth in independent claim 1. Accordingly, we will select independent claim 1 as the representative claim for all the claims on appeal, and claims 2-5 will stand or fall with claim 1.

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Note In re King, 801 F.2d 1324, 1325, 231 USPQ 136, 137 (Fed. Cir. 1986); In re Sernaker, 702 F.2d 989, 991, 217 USPQ 1, 3 (Fed. Cir. 1983).

As a general proposition in an appeal involving a rejection under 35 U.S.C. § 103, an Examiner is under a burden to make out a prima facie case of obviousness. If that burden is met, the burden of going forward then shifts to Appellant to overcome the prima facie case with argument and/or evidence. Obviousness is then determined on the basis of the evidence as a whole and the relative persuasiveness of the arguments. See In re Oetiker, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992); In re Hedges, 783 F.2d 1038, 1039, 228 USPQ 685, 686 (Fed. Cir. 1986); In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984); and In re Rinehart, 531 F.2d 1048, 1052, 189 USPQ 143, 147 (CCPA 1976).

With respect to representative independent claim 1, the Examiner's analysis (final Office action, page 4) concludes that the difference between the claimed invention and the applied Lipton reference is that the generated video signals in Lipton's described embodiment are applied to a CRT or solid state display, rather than to a plasma display panel as claimed. The Examiner, nevertheless, asserts (id.) the obviousness to the skilled artisan of utilizing a plasma display panel since Lipton teaches that ". . . no

restriction is placed on the type of display device that can be employed (col. 14, lines 48-49) and specifically identifies a plasma display panels [sic] (PDP's) as a display type that would be compatible with the apparatus as taught by Lipton."

After reviewing the Examiner's analysis, it is our view that such analysis carefully points out the teachings of the Lipton reference, reasonably indicates the perceived differences between this prior art and the claimed invention, and provides reasons as to how and why the prior art teachings would have been modified to arrive at the claimed invention. In our opinion, the Examiner's analysis is sufficiently reasonable that we find that the Examiner has at least satisfied the burden of presenting a prima facie case of obviousness. The burden is, therefore, upon Appellant to come forward with evidence and/or arguments which persuasively rebut the Examiner's prima facie case of obviousness. Only those arguments actually made by Appellant have been considered in this decision. Arguments which Appellant could have made but chose not to make in the Brief have not been considered [see 37 CFR § 1.192(a)].

Appellant's arguments in response to the Examiner's rejection allege that the Examiner has misinterpreted the language of appealed claim 1. In particular, Appellant asserts (Brief, page 5) that the Examiner has confused the video lines in the claimed video

signal with the claimed display lines in the plasma display panel. Because of this misinterpretation, Appellant contends that the Examiner has mistakenly equated Lipton's processing and generation of video signals with the display of such video signals on the display lines of a display device, an operation which Appellant contends Lipton does not disclose.

After careful review of the applied prior art Lipton reference in light of the arguments of record, we find Appellant's arguments to be unpersuasive. Initially, contrary to Appellant's contention, we find that the Examiner has in fact recognized the distinction between video lines and display lines. This is apparent from the Examiner's discussion at pages 3 and 4 of the Answer which cites support in Lipton (column 14, lines 24-31) for the conclusion that the video signals generated in an odd-odd-even-even manner will address the corresponding display lines of the display device in a similar fashion.

We have reviewed the above-cited portion of Lipton and conclude that it supports the Examiner's position. As described in Lipton (column 14, lines 19-31), the stored odd field signals refresh the display twice followed by the refreshing of the display with two fields of even signals. Given this disclosure of Lipton, we find no error in the Examiner's position that it would be

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reasonable to conclude that the odd display lines of the display are addressed consecutively more than once (i.e., odd-odd) followed by the alternate addressing of the even lines more than once (i.e., even-even) as presently claimed. In considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.

In re Preda, 401 F.2d 825, 825, 159 USPQ 342, 344 (CCPA & Pat. App. 1968).

At the very least, it is our view that the Examiner's line of reasoning coupled with the disclosure of Lipton reaches a threshold of reasonableness sufficient to shift the burden to Appellant to overcome the Examiner's position with convincing arguments and/or evidence. We find no such evidence or convincing arguments forthcoming from Appellant aside from the unsupported assertion that Lipton does not describe how video signals are to be applied to a display, an assertion we find to be clearly misplaced for all of the reasons discussed supra.

In view of the above discussion, since the Examiner's prima facie case of obviousness has not been overcome by any convincing arguments from Appellant, we sustain the Examiner's 35 U.S.C.

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§ 103(a) rejection of representative claim 1, as well as claims 2-5 which fall with claim 1.

In summary, we have sustained the Examiner's 35 U.S.C. § 103(a) rejection of all of the claims on appeal. Therefore, the decision of the Examiner rejecting claims 1-5 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

JAMES D. THOMAS)
Administrative Patent Judge)
KENNETH W. HAIRSTON)
Administrative Patent Judge)
JOSEPH F. RUGGIERO)
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